

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

September 15, 1955
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Miller presiding.

Roll call:

Present: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works.

Invocation was delivered by DR. JOHN BARCLAY, Central Christian Church, 1110 Guadalupe.

Councilman Long moved that the Minutes of September 8th be approved. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Mayor Miller introduced the following ordinance:

AN ORDINANCE CLOSING THE HEARING GIVEN TO THE REAL AND TRUE OWNERS OF PROPERTY ABUTTING UPON SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINAFTER DEFINED, AS TO SPECIAL BENEFITS TO ACCRUE TO SAID PROPERTY AND THE REAL AND TRUE OWNERS THEREOF BY VIRTUE OF THE IMPROVEMENT OF SAID STREETS WITHIN SAID LIMITS, AND AS TO ANY ERRORS, INVALIDITIES OR IRREGULARITIES IN ANY OF THE PROCEEDINGS OR CONTRACT THEREFOR; FINDING AND DETERMINING THAT EACH AND EVERY PARCEL OF PROPERTY ABUTTING UPON SAID STREETS WITHIN THE LIMITS DEFINED WILL BE SPECIALLY BENEFITED AND ENHANCED IN VALUE IN EXCESS OF THE AMOUNT OF THE COST OF SAID IMPROVEMENTS PROPOSED TO BE, AND AS, ASSESSED AGAINST SAID ABUTTING PROPERTY AND THE

REAL AND TRUE OWNERS THEREOF, AND LEVYING AN ASSESSMENT FOR THE PAYMENT OF A PORTION OF THE COST OF IMPROVING SAID STREETS WITHIN THE LIMITS DEFINED, FIXING A CHARGE AND LIEN AGAINST ALL SAID ABUTTING PROPERTIES, AND THE REAL AND TRUE OWNERS THEREOF, PROVIDING FOR THE ISSUANCE OF ASSIGNABLE CERTIFICATES UPON THE COMPLETION AND ACCEPTANCE OF SAID WORK, THE MANNER AND TIME OF PAYMENT THEREOF, AND PROVIDING FOR THE MANNER AND METHOD OF COLLECTION OF SAID ASSESSMENTS AND CERTIFICATES; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

The ordinance was read the first time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman Pearson moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman Pearson moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE CITY MANAGER TO ENTER INTO A CERTAIN CONTRACT WITH ARTHUR VON ROSENBERG; PROVIDING FOR THE APPROPRIATION OF MONEY PAID TO THE CITY OF AUSTIN UNDER SUCH CONTRACT AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING SECTION 34.40 OF CHAPTER 34 OF THE AUSTIN CITY CODE OF 1954 PERTAINING TO THE RENTING OF BOATS UPON LAKE AUSTIN TO MINORS UNDER 15 YEARS OF AGE, AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Long moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the second time and Councilman Long moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The ordinance was read the third time and Councilman Long moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Board of Equalization of the City of Austin has certified its approval of the tax assessment rolls and records of the City of Austin for the year 1955, and has forwarded the same to the City Council; and,

WHEREAS, said tax assessment rolls appear in all respects to be in correct form and prior to their submission the valuations of property shown

in said rolls have been examined and corrected in the manner provided by law and ordinances of the City of Austin by the Board of Equalization; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That subject to such adjustments as may be found necessary by reason of appeals from the Board of Equalization now pending before the City Council, the tax assessment roll, showing a total amount of \$400,851,420.00 valuation for said year, be and the same is hereby approved and adopted.

The motion, seconded by Councilman Long, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Councilman Pearson offered the following resolution and moved its adoption

(RESOLUTION)

WHEREAS, on certain maps or plats of the City of Austin there appears a certain street known and designated as Wheless Lane; and,

WHEREAS, on certain maps or plats of the City of Austin there appears a certain street known and designated as Patton Lane; and,

WHEREAS, a portion of Wheless Lane extending in a north-south direction approximately 1200 feet, together with a portion of Patton Lane extending in a north-south direction approximately 470 feet constitute a northerly prolongation of another certain street known and designated on certain maps or plats of the City of Austin as Berkman Drive; and,

WHEREAS, the present residents and owners of property abutting said portions of said streets have requested that the names of such portions of Wheless Lane and Patton Lane be changed to Berkman Drive; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the names of the portions of Wheless Lane and Patton Lane, above described, as the same appear on certain maps and plats of the City of Austin, Travis County, Texas, be and the same are hereby changed to Berkman Drive; and,

BE IT FURTHER RESOLVED:

That the City Clerk is hereby authorized and directed to file or cause to be filed a certified copy of this Resolution in the Deed Records of Travis County, Texas.

The motion, seconded by Councilman White, carried by the following vote:
Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

The Mayor announced that it had been known the City was to provide more right-of-way for the Interregional Highway, with seven overpasses from 2nd to 17th Street; and for right-of-way for a connection to the Fredericksburg Highway, and there were no bond funds. At the Council's request he had discussed the

matter with the Austin Bankers, and they were willing to work out a program of financing for the City, by taking warrants for 2%, and changing them into bonds when issued. This procedure would enable the City to go on with these necessary and imperative projects. This financing is cheaper than advertising for bids, and the Banks should be commended highly for agreeing to this low amount of interest, as they were reluctant at first to participate. The Mayor outlined the benefits and future growth of the City resulting from these highways. He announced that should the people not want this financed, there was a provision by which a petition of 10% of the voters which could set it aside. There will be no interest due until the transactions are actually completed, and warrants drawn. This method of financing can be taken care of without any addition to the taxes. He outlined the necessity of purchasing this right-of-way at this time; the necessity for purchasing and constructing parks and playgrounds; the necessity for making an addition to the jail and for making street improvements, culverts, etc. He mentioned if the Government came up with a program next year, it might be that the people would petition for a bond issue to match its program. He hoped the people of Austin would give this program of financing their benediction. MR. LANDON BRADFIELD commended the Mayor on the fine program he worked out with the Banks. The Mayor stated the banks would want an opinion from Gibson and his associates, and he would be engaged. The Mayor outlined the specific needs as follows:

\$500,000	for rights-of-way
200,000	for recreation--land, buildings and swimming pools
30,000	for extensions of the jail
<u>270,000</u>	for streets, culverts, etc.
\$1,000,000	

Later in the meeting Councilman Pearson moved that the City Manager be authorized to direct Gibson, Spence and Gibson, to proceed with the preparation of the necessary papers to accomplish this. The motion, seconded by Councilman Palmer, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
 Noes: None

The Council held public hearing on suggestions pertaining to off-street parking. The following were heard on specific problems:

MR. GEORGE SANDLIN - The V.F.W. want to build their State Headquarters at 11th and San Jacinto; their plans have been underway some two years; and while they were working on the plans, the off-street parking ordinance was passed. The V.F.W. does not own enough land to provide for parking. He asked extension of the present exempt area. The building was a \$400,000 building. Over \$100,000 had been spent to begin construction, but he believed the ordinance had stopped it.

MR. BUCK McCULLOUGH wanted to build an eight-story dormitory for men in the 2100 block of Guadalupe. In his case, to provide the necessary parking, the cost would be \$50,000 for 18 cars, which is a bad investment on his part. His building would provide for 182 students. He was urged by the University to get this dormitory completed by September 1956.

MR. F. G. BRIDGES was planning an elegant women's dormitory on the campus across from the Littlefield Dormitory. The building can not be constructed under the present rules, and he ran into trouble in financing to provide for 70 cars.

GENERAL WATSON stated he had to abandon plans for a three story building at 12th and Guadalupe, because they could not build under the regulations.

MR. BURREL POPE, although he had no specific plans, did think generally something would have to be done on this off-street parking requirement.

MR. ROY L. THOMAS, architect for four churches, stated they were having the same trouble of providing off-street parking for the churches planning to enlarge. He explained the specific problem of the Hyde Park Baptist Church, 3901 Speedway, and the St. John's Methodist, and two others.

MR. LANDON BRADFIELD had property on 11th between San Jacinto and Brazos suited for a large hotel, efficiency apartment or large office building, but they were all practically impossible due to this ordinance. He suggested the present exempt area should be enlarged, and that a study be made on areas having possibilities of large developments and on their being included in the exempt area, and on planning some flexibility of these specific cases.

MR. TOM GRAHAM asked for a restudy of the whole provision, as it had hurt construction in the old areas.

MR. JAMES ODOM felt the off-street parking might be well for the outlying and new additions, but it does make it impossible to build down town. He believed the down-town business men would provide their own parking for their own good.

MR. M. H. CROCKETT asked that his property across the river be placed in this exempt area, as he was unable to develop under the ordinance.

MR. B. G. HUNT, 208 East 10th Street, was in favor of the off-street parking ordinance, as this area was never free from parking from 6:00 A. M. on.

The Council continued this hearing over until the afternoon session.

The Council postponed action on the following zoning application until the 22nd of September:

D. E. ING, N. J. RASENSBURG, ERNEST VAUGHAN	1903,1905-07,2201 Lamar;1309-11,1306-08 West 22nd St.	From "A" Residence To "BB" Residence RECOMMENDED, except Lot 17
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Mr. Smartt represented MR. WRIGHT, who wanted to build a 4-unit apartment house on Lot 17, and displayed plans. DR. BRACE represented the opposition stating their property would be depreciated in value if the zone were lowered, and he feared the beauty of the park would be hurt. MISS GOLF opposed also. The Mayor submitted a recommendation from the Park Board asking that the Council continue the present zoning along Lamar and Shoal Creek Parkway from 12th to 29th, as any encroachment upon this area by business and multiple dwellings would have a tendency to detract from the natural beauty of the Park Drive. MR. SMARTT stated the residential value of this area was gone. Dr. Brace filed a petition and two letters in opposition.

Mayor Miller introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED: "AN ORDINANCE PRESCRIBING FARES AND CHARGES COLLECTIBLE BEGINNING THE 1ST DAY OF JULY, 1947, BY EVERY PERSON, FIRM AND CORPORATION MAINTAINING AND OPERATING WITHIN THE CITY OF AUSTIN A BUS SYSTEM FOR LOCAL TRANSPORTATION OF PASSENGERS FOR HIRE USING OR OPERATING UNDER PUBLIC FRANCHISE; PRESCRIBING PAYMENTS TO THE CITY OF AUSTIN, BASED UPON GROSS ANNUAL RECEIPTS FROM OPERATIONS, BY EVERY PERSON, FIRM AND CORPORATION MAINTAINING AND OPERATING WITHIN THE CITY OF AUSTIN A BUS SYSTEM; FIXING TIMES FOR SUCH PAYMENTS; AND DECLARING AN EMERGENCY," WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN JUNE 26, 1947, AND IS RECORDED IN BOOK "M", PAGES 523-524, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 1, THEREOF PRESCRIBING RATES FOR THE TRANSPORTATION OF PASSENGERS FOR HIRE BY BUS WITHIN THE CITY OF AUSTIN.

The ordinance was read the first time and Councilman White moved that the ordinance be passed to its second reading. The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Palmer, Pearson, White, Mayor Miller
Noes: Councilman Long

The Council expressed belief that the service would be improved, and that something would be worked out between the schools and the Bus Company. Councilman White had information that the Corporation was purchasing 90% of its supplies in Austin instead of out of St. Louis as had been the general idea of some.

At 2:30 P.M. the Council heard the following tax appeals.

MR. W. P. HOLLOWAY

Mr. Franke, Attorney for Mr. W. P. Holloway, appealed on the valuation set on his property on East 5th Street as they felt the Department value placed on the land was in excess; as it had placed \$100.00 a front foot, and they believed it was not worth more than \$70.00 a front foot, taking into consideration the

area in which it was situated and in view of the fact this area was no longer desirable for industrial purposes. MR. W. P. HOLLOWAY outlined the sales of this property and the amount of each sale since 1946. MR. HOWARD BULL reviewed the Equalization Board's study of this property, and stated the assessment was in line with the other property, and there were no protests. MR. BELLMONT and MR. HUCKABY both went over their findings in the study made by the Board. After a detailed discussion and study of the matter, the Council deferred action until it could go down and look at the property.

AUSTIN NATIONAL BANK

MR. W. KAY MILLER, represented the Austin National Bank, in its appeal on the taxable value of the shares, assessed against the shareholders. The question involved was whether a lease-hold interest in real estate was to be regarded from a legal standpoint and according to the statute as "real estate" and deductible from their capital stock. The City Attorney submitted a memorandum regarding Taxation of Capital Stock and Real Estate of National Banks. Members of the Board of Equalization, and the Tax Assessor explained how they arrived at their figures. MR. EUGENE BARTHOLOMEW also represent the bank.

AMERICAN NATIONAL BANK

MR. ED WROE represented the American National Bank in the same respect, and explained the problem in detail. The Council took no action in the two appeals at this time.

The Council continued the hearing on off-street parking at this time. With respect to the problem presented by MR. GEORGE SANDLIN concerning the building of the State Headquarters of the V.F.W., at 11th and San Jacinto, which plans were underway at the time and before the ordinance went into effect, Councilman Long moved that the City Manager be instructed to have the Building Inspector grant the permit, because they were underway when the ordinance was passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller
Noes: None

Mr. Frank Knight, one of the members of the Interim Committee to study the zoning, read the recommendations of the Committee regarding the off-street parking, in that a committee composed of the Building Inspector, Planning Commission, and Council study the off-street parking; and that if such a provision were incorporated into the ordinance that it not apply to the portion of the City already built up. The suggestion was brought up by Councilmen Palmer and Pearson that possibly a new committee should be appointed to study this or the old committee be reorganized for a restudy.

MR. M. H. CROCKETT asked that consideration be given to exempting his property in South Austin.

The specific problem concerning Mr. Buck McCullough in his building in the 2100 block of Guadalupe was before the Council at this hearing. The Building Inspector pointed out an omission in the zoning ordinance which would cover a permit for Mr. McCullough. The Council indicated informally they would clear Mr. McCullough's permit, to allow him to proceed.

MR. F. G. BRIDGES displayed plans for the women's dormitory at 26th and Guadalupe. Discussion was held on his off-street parking problems. The Council informally indicated it would give Mr. Bridges relief in order to allow him to proceed.

MR. ROY THOMAS specifically asked for consideration of the off-street parking requirements of the Hyde Park Baptist Church at 39th and Speedway, It was the opinion of some of the members of the Council that churches should be exempt. Mr. Thomas stated he was also working on St. John's Methodist, Asbury Methodist and Grant Chapel.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be and he is hereby authorized and directed in behalf of the City of Austin to accept from A. D. Bolm and wife, Mae Bolm, a certain easement for a sanitary sewer sludge pipe line, and in behalf of the City of Austin to enter into a contract with A. D. Bolm and wife, Mae Bolm, wherein is expressed the consideration for the granting of said easement, the original of which easement and the duplicate original of which contract when executed shall be filed with the City Clerk of the City of Austin, and to which file and files and records reference is here made for all pertinent purposes.

The motion, seconded by Councilman Pearson, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

Councilman Long moved that the Council continue the hearing on zoning ordinance amendments as to clarifications of conflicting provisions and corrections; and revisions in fee schedule for zoning change applications and Board of Adjustment Appeals. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Long, Palmer, Pearson, White, Mayor Miller

Noes: None

There being no further business the Council adjourned at 6:25 P.M. subject to the call of the Mayor.

APPROVED

Tom Miller

Mayor

ATTEST:

Elain Hoosley
City Clerk